SUBMISSION TO THE SPECIAL COMMITTEE ON
INDIAN SELF-GOVERNMENT BY THE GOVERNMENT
OF THE NORTHWEST TERRITORIES, MAY 11, 1983
AT YELLOWKNIFE, NORTHWEST TERRITORIES.

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Good Afternoon Mr. Chairman, Committee Members, Chiefs of the Mackenzie Valley, Ladies and Gentlemen.

I am pleased to present this submission on behalf of the Government of the Northwest Territories and to acknowledge the mandate of the Special Committee on Indian Self-Government.

I would also like to acknowledge the consultation process that went on between ourselves and the Dene Nation, the Metis Association of the Northwest Territories, the Department of Indian and Inuit Affairs in the preparation of this brief.

It has become obvious to the Government of the Northwest Territories that the type of political control the Dene and Metis have been seeking goes well beyond the parameters of a southern style municipal government. In view of this we have been attempting to recognize the aspirations of the peoples of the N.W.T. by incorporating those aspirations into the evolving government structures in the Territories.

The main focus of our presentation is to give you an overview of how proposals for a new order of community, regional/tribal and territorial governments are evolving as well as to give you an idea of how the political and constitutional development process is presently occurring in the Northwest Territories. You will note as I proceed that we in the North are not proceeding along the same lines as the South and we would like you to consider our unique situation in the North when making your final recommendations.

During the past five to ten years, the aboriginal peoples of the North; the Dene, Metis, Inuit and Inuvialuit have had to come to grips with the fundamental issues of Land Claims settlement, large-scale non-renewable resource development and the division of the N.W.T. In particular, it has been a new era for the aboriginal peoples of the Western N.W.T. to experience and participate in decision-making for new orders of government. We believe the future looks promising and we are optimistic that the Northwest Territories will achieve levels

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OF RESPONSIBLE GOVERNMENT THAT WILL ALLOW NATIVE PEOPLE TO PARTICIPATE FULLY IN DETERMINING AND RUNNING THE INSTITUTIONS THAT INFLUENCE THEIR LIVES. TOO OFTEN IN THE PAST, ABORIGINAL PEOPLES IN THE MACKENZIE VALLEY HAVE ONLY BEEN ALLOWED TO RESPOND TO WHAT OTHERS THOUGHT THEIR GOALS AND ASPIRATIONS TO BE - IN REALITY THIS HAS NOT WORKED.

I WILL BEGIN BY PROVIDING YOU WITH AN OVERVIEW OF POLITICAL DEVELOPMENT AT THE COMMUNITY LEVEL.

SECTION 92(3) OF THE CONSTITUTION ACT 1867 GIVES PROVINCES JURISDICTION FOR MUNICIPAL INSTITUTIONS. IN THE NORTHWEST TERRITORIES, IT IS SECTION 13, PARAGRAPH (C) OF THE NORTHWEST TERRITORIES ACT THAT DELEGATES THE AUTHORITY TO THE COMMISSIONER-IN-COUNCIL TO MAKE ORDINANCES RESPECTING, "MUNICIPAL INSTITUTIONS IN THE TERRITORIES, INCLUDING LOCAL ADMINISTRATIVE DISTRICTS AND SCHOOL DISTRICTS."

THE MUNICIPAL ORDINANCE OF THE NORTHWEST TERRITORIES PROVIDES FOR FIVE LEVELS OF COMMUNITY GOVERNMENT. THEY ARE SETTLEMENT, HAMLET, TOWN, VILLAGE AND CITY.

A SETTLEMENT, UNDER THE MUNICIPAL ORDINANCE IS UNINCORPORATED, DOES NOT HAVE THE POWER TO GENERATE REVENUE THROUGH A TAX BASE AND ACTS LARGELY AS AN ADVISORY COUNCIL TO THE COMMISSIONER OF THE N.W.T. AND, ALTHOUGH MEMBERS OF THE COMMUNITY AT LARGE ARE ELECTED TO THE SETTLEMENT COUNCIL, THEY DO NOT HAVE THE POWER TO MAKE BY-LAWS AND CAN ONLY PROPOSE CHANGES OR RECOMMEND CHANGES TO THE COMMISSIONER. MUNICIPAL SERVICES ARE FINANCED AND DELIVERED BY THE GOVERNMENT OF THE NORTHWEST TERRITORIES, ALTHOUGH IN SOME REGIONS THE COMMUNITY WILL TAKE THE MUNICIPAL SERVICES CONTRACT DIRECTLY. THERE IS A SMALL PER CAPITA GRANT IN ADDITION FOR THE COMMUNITY TO USE AS IT SEES FIT.

HAMLETS, VILLAGES, TOWNS AND THE CITY OF YELLOWKNIFE ARE INCORPORATED AND ESTABLISHED PURSUANT TO THE MUNICIPAL ORDINANCE.

A HAMLET COUNCIL IS FULLY ELECTED, ABLE TO HIRE ITS' OWN STAFF, DELIVERS MUNICIPAL SERVICES AND PROGRAMS AND IS ABLE TO ENACT BY-LAWS AND RESOLUTIONS. BUT, ALTHOUGH THEY OPERATE AS INCORPORATED MUNICIPALITIES AND DETERMINE THEIR OWN BUDGETS, HAMLETS ARE NOT REQUIRED TO RAISE THEIR OWN PROPERTY TAX.

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VILLAGES, TOWNS AND THE CITY OF YELLOWKNIFE CAN ALSO ENACT THEIR OWN BY-LAWS AND RESOLUTIONS, CAN BUY AND SELL PROPERTY AND BORROW MONEY FOR LOCAL IMPROVEMENTS THROUGH RAISING DEBENTURES. THEY MUST RAISE A LARGE PORTION OF THEIR OPERATING BUDGET BY LEVYING PROPERTY TAXES. A VILLAGE MUST CONSULT AND RECEIVE APPROVAL FROM THE GOVERNMENT OF THE NORTHWEST TERRITORIES, PARTICULARLY FOR SETTING THEIR OPERATING BUDGETS, WHILE THE FOUR TOWNS AND CITY OF YELLOWKNIFE SET THEIR OWN BUDGETS AND DO NOT REQUIRE GOVERNMENT OF THE NORTHWEST TERRITORIES' APPROVAL ON MOST OF THEIR DECISIONS. THERE IS ONLY ONE VILLAGE IN THE N.W.T. IN THE SEVEN TAX-BASED COMMUNITIES A PORTION OF THE REVENUE RAISED GOES TOWARD THE COSTS OF EDUCATION.

THE PRACTICES DESCRIBED ABOVE ARE NOT DISSIMILAR FROM CONVENTIONAL SOUTHERN STYLES OF MUNICIPAL GOVERNMENT. HOWEVER, IT MUST BE REMEMBERED THAT THE DENE, THE ORIGINAL INHABITANTS OF THE MACKENZIE VALLEY, NEVER AGREED TO, OR PARTICIPATED IN, THE DECISION TO ESTABLISH MUNICIPAL COUNCILS. THE CHIEF AND BAND COUNCIL STRUCTURE WAS INITIALLY CREATED BY THE FEDERAL GOVERNMENT IN ORDER TO DESIGNATE LEADERS TO SIGN TREATIES 8 & 11. SUBSEQUENTLY, THE BAND COUNCILS BECAME A BODY TO INFORM DIAND OF ANY PROBLEMS OR CONCERNS OF THE BAND AND TO PROVIDE ACCESS TO THE INDIAN AGENT FROM THE BAND. WHILE ON THE ONE HAND THE BAND COUNCILS SERVED THIS PURPOSE FOR THE FEDERAL GOVERNMENT IT ALSO CONTINUED TO CARRY ON THE TRADITIONAL FORMS OF CONSENSUS DECISION-MAKING. THE ELDERS, THROUGH THE CHIEF AND BAND COUNCIL CONTINUED TO MAKE DECISIONS REGARDING SOCIAL MATTERS OF THE BAND, CONTINUED TO MAKE DECISIONS REGARDING TRADITIONAL HUNTING PURSUITS ON THE LAND AND CONTINUED TO INTERACT WITH OTHER BANDS IN THE AREA AND MAKE DECISIONS REGARDING THE LAND. THE WEAKNESS OF THE IMPOSED FEDERAL GOVERNMENT STRUCTURE FOR BAND COUNCILS WAS THAT THE INDIAN AGENT CONTINUED TO HOLD OVERALL FISCAL CONTROL, WELFARE AND HOUSING AUTHORITY - THEREFORE LEAVING THE BAND COUNCIL WITHOUT ANY DIRECT AUTHORITY OR CONTROL OVER MANY MATTERS DIRECTLY AFFECTING THEIR LIVES.

THE MUNICIPAL GOVERNMENT STRUCTURE WAS DESIGNED TO OFFER MORE CONTROL TO THE PEOPLES IN THE COMMUNITY. IT WAS ALSO DESIGNED TO INCLUDE ALL RESIDENTS OF THE COMMUNITY AND NOT ONLY STATUS INDIANS. HOWEVER, THERE WERE A NUMBER OF PROBLEMS. BY CREATING A NEW BODY AND RECOGNIZING THIS NEW BODY BOTH THE TERRITORIAL AND FEDERAL GOVERNMENTS WAS INCLINED TO IGNORE THE CHIEF AND BAND COUNCIL STRUCTURE.

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IN FACT DIAND WITHDREW ITS RESPONSIBILITY TO GIVE TREATY ENTIRELY, TO THE POINT OF TRANSFERRING IT TO THE GOVERNMENT OF THE NORTHWEST TERRITORIES. THE DENE PERCEIVED THEIR SPECIAL STATUS AND CONSTITUTED RELATIONSHIP WITH THE FEDERAL GOVERNMENT THREATENED. FURTHERMORE, THERE WERE OTHER PROBLEMS. THE STRUCTURE WAS FOREIGN AND IMPOSED, THE METHOD OF SELECTION BY SECRET BALLOT WAS FOREIGN AND IMPOSED AND THE RULES FOR OPERATING A MEETING WERE FOREIGN AND IMPOSED. THE MANDATE OF MUNICIPAL GOVERNMENT WAS TOO LIMITED. IT DID NOT CONCERN ITSELF WITH THE SOCIAL AND ECONOMIC NEEDS OF A LAND-BASED SOCIETY.

FOR ALL THE REASONS DESCRIBED ABOVE THE SOUTHERN MODEL OF MUNICIPAL GOVERNMENT HAS NOT BEEN AS ACCEPTABLE IN THE WESTERN N.W.T., AS IT HAS IN THE EASTERN ARCTIC.

THE GNWT, IN CONSULTATION WITH THE DENE OF THE MACKENZIE VALLEY NOW RECOGNIZES A DEFINATE AND LEGITIMATE NEED FOR NEW SYSTEMS OF GOVERNMENT FOR DENE COMMUNITIES. IN OUR ATTEMPT TO DEVELOP NEW FORMS AND STYLES OF FUTURE COMMUNITY GOVERNMENT, THE GNWT EXECUTIVE COMMITTEE SIGNED A TWO-YEAR INTERIM AGREEMENT ON AN EXPERIMENTAL BASIS WITH THE COMMUNITY OF FORT GOOD HOPE IN 1981. IT PROVIDED FOR A MERGER OF THE BAND COUNCIL AND SETTLEMENT COUNCIL WITH AUTHORITY TO DETERMINE PRIORITIES FOR THE DELIVERY OF ESSENTIAL MUNICIPAL SERVICES AND PROGRAMS FROM THE TERRITORIAL AND FEDERAL GOVERNMENT DEPARTMENTS TO THE COMMUNITY. THERE ARE A NUMBER OF OTHER DENE COMMUNITIES INTERESTED IN A SIMILAR KIND OF MERGER.

ACCORDINGLY, THE DEPARTMENT OF LOCAL GOVERNMENT IS CONSULTING WITH THE DENE AND METIS AND AS A RESULT WILL BE PROPOSING A NEW LOCAL GOVERNMENT ORDINANCE.

THE LOCAL GOVERNMENT ORDINANCE WILL PROPOSE MORE AUTHORITY AND RESPONSIBILITY FOR TAX-BASED MUNICIPALITIES, HAMLETS AND COMMUNITY GOVERNMENTS AND ENLARGE THEIR MANDATE. OPTIONAL ELECTION RULES WILL BE DEFINED AND OFFERED TO MEET THE VARIOUS CULTURAL TRADITIONS OF NORTHERNERS. ALL LEVELS OF LOCAL GOVERNMENT WILL BE ABLE TO ASSUME ADDITIONAL ENABLING AUTHORITY TO PASS BY-LAWS WHICH MEET COMMUNITY CONCERNS AND PROBLEMS WITHOUT CONFLICTING WITH TERRITORIAL JURISDICTION. THE GOVERNMENT BELIEVES THIS BLUEPRINT WILL PROVIDE A RESPONSIBLE APPROACH FOR THE DELEGATION OF SELF-GOVERNMENT TO THE COMMUNITY LEVEL.

POLITICAL DEVELOPMENT IN THE NWT IS NOT LIMITED TO THE MUNICIPAL TYPE OF GOVERNMENT ONLY. NEXT, I WILL BE TALKING ABOUT REGIONAL/TRIBAL COUNCILS.

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THERE HAS BEEN A STRONG MOVEMENT OVER THE PAST YEARS TOWARD REGIONAL COUNCILS, OR, TRIBAL COUNCILS AS THEY ARE REFERRED TO IN THE MACKENZIE VALLEY. THE ROLE OF THE REGIONAL/TRIBAL COUNCILS, AS INITIALLY DEFINED BY THE COUNCILS, WOULD NOT BE MANAGERIAL BUT RATHER TO ACT AS A LOBBY ON BEHALF OF INDIVIDUAL COMMUNITIES, TO FACILITATE COMMUNICATIONS BETWEEN COMMUNITIES, AND TO ACT AS AN ADVISORY BODY FOR AND ON BEHALF OF THE COMMUNITIES. THE REGIONAL/TRIBAL COUNCIL MAY IN THE FUTURE ASSUME DIRECT POWER AND RESPONSIBILITY FROM BOTH THE GNWT, FOR EXAMPLE, IN THE AREA OF EDUCATION AND, POSSIBLY FROM THE MUNICIPAL LEVEL.

TO USE THE EDUCATION EXAMPLE FURTHER, A MOTION WAS PASSED BY THE LEGISLATIVE ASSEMBLY IN 1981 TO ESTABLISH A SPECIAL COMMITTEE ON EDUCATION COMPRISED OF FIVE MLA'S WHO TRAVELLED TO COMMUNITIES THROUGHOUT THE NORTHWEST TERRITORIES. BETWEEN JANUARY 1981 AND MARCH 1982, THE SPECIAL COMMITTEE HELD 43 PUBLIC HEARINGS IN 34 COMMUNITIES WITH SOME 1500 WITNESSES GIVING TESTIMONY. THE PROBLEMS RELATED TO EDUCATION THAT PEOPLES OF THE NORTH ADDRESSED WERE THE HIGH DROP-OUT RATE AMONG NATIVE CHILDREN PARTICULARLY, POOR COMPREHENSION, POOR TEACHER/PARENT RELATIONSHIPS, LOW RECRUITMENT OF NATIVE TEACHERS AND FOREIGN CIRRICULUMS FOR A NORTHERN LIFESTYLE, THE LACK OF PROPER HIGH SCHOOL FACILITIES AND THE LACK OF CONTINUING AND SPECIAL EDUCATION FACILITIES.

THE RECOMMENDATIONS OF THE SPECIAL COMMITTEE HAVE BEEN ACCEPTED BY THE LEGISLATIVE ASSEMBLY AND WILL BE IMPLEMENTED. THIS LEGISLATION WILL INCLUDE PROVISIONS FOR THE ESTABLISHMENT OF REGIONAL EDUCATION BOARDS WHO WILL AMONG OTHER THINGS, TAKE RESPONSIBILITY FOR THE DEVELOPMENT OF A DENE NATIVE LANGUAGE CURRICULUM.

I WOULD LIKE TO TALK NOW ABOUT INDIAN SELF GOVERNMENT AS IT RELATES TO THE TERRITORIAL LEVEL. POLITICAL AND CONSTITUTIONAL REFORM IN THE NWT HAS BEEN A PRIORITY WITH ABORIGINAL ORGANIZATIONS AND THE LEGISLATIVE ASSEMBLY SINCE THE LATE 1960'S. OVER THE PAST TEN YEARS VARIOUS UNCOORDINATED ATTEMPTS WERE MADE BY GROUPS OF NORTHERNERS TO INITIATE POLITICAL CHANGE. SEVERAL EXAMPLES ARE: THE POSITIONS OF THE EIGHTH ASSEMBLY CALLING FOR A UNIFIED NWT LEADING TO PROVINCEHOOD; THE NUNAVUT PROPOSAL OF THE INUIT TAPIRISAT OF CANADA; THE METIS ASSOCIATION'S PROPOSAL, "OUR LAND, OUR CULTURE, OUR FUTURE", THE METRO MODEL PROPOSED BY THE DENE NATION; AND, THE PROPOSAL FOR A WESTERN ARCTIC REGIONAL MUNICIPALITY (WARM) BY THE COMMITTEE FOR ORIGINAL PEOPLE'S ENTITLEMENT (COPE) REPRESENTING THE INUVIALUIT OF THE WESTERN ARCTIC.

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THERE WAS NO MECHANISM IN PLACE TO COORDINATE THESE SEPARATE EFFORTS AND TO RECONCILE COMPETING INTERESTS AMONG DIFFERENT SEGMENTS OF N.W.T SOCIETY. THERE WAS A LACK OF UNDERSTANDING AND COOPERATION BETWEEN THE LEGISLATIVE ASSEMBLY AND ABORIGINAL ASSOCIATIONS AS TO WHO HAD THE LEGITIMATE RIGHT TO PURSUE POLITICAL REFORM AND BOTH SIDES CLAIMED EXCLUSIVITY. THE RESULT WAS CONSIDERABLE ANTAGONISM AND VERY LITTLE PROGRESS.

THE PRESENT LEGISLATIVE ASSEMBLY WAS ELECTED IN 1979. IT IS AN ENLARGED ASSEMBLY OF 22 ELECTED MEMBERS AND FOR THE FIRST TIME HAS A MAJORITY OF MEMBERS WHO ARE NATIVE PEOPLE - 9 INUIT, 5 DENE/METIS, 8 NON-NATIVE PEOPLE. THIS ASSEMBLY IS DEDICATED TO WORKING COOPERATIVELY WITH ABORIGINAL ASSOCIATIONS AND TO PURSUING A COURSE OF COMPROMISE, UNDERSTANDING AND NEGOTIATIONS WITH ALL PEOPLE OF THE N.W.T AS THE FIRST STEP TOWARD POLITICAL AND CONSTITUTIONAL REFORM. AS A MATTER OF PRIORITY THE ASSEMBLY CREATED A "UNITY COMMITTEE" TO MEET WITH ABORIGINAL ASSOCIATIONS, INTEREST GROUPS AND COMMUNITIES TO DETERMINE WHETHER A POLITICAL CONSENSUS EXISTED WITHIN THE N.W.T.

THE UNITY COMMITTEE PUT FORWARD ITS RECOMMENDATIONS IN OCTOBER 1981, THE FOREMOST OF WHICH STATED THE LEGISLATIVE ASSEMBLY, "DECLARES ITS COMMITMENT IN PRINCIPLE TO A MAJOR DIVISION OF THE PRESENT NORTHWEST TERRITORIES INTO AN EASTERN AND WESTERN TERRITORY, SUBJECT TO THE EXPRESSED WILL, BY PUBLIC DEBATE AND BY PLEBISCITE OF THE PEOPLE OF THE NORTHWEST TERRITORIES SHOWING PREFERENCE FOR THE ESTABLISHMENT OF ONE OR TWO NEW TERRITORIES." NEXT, A SPECIAL COMMITTEE ON CONSTITUTIONAL DEVELOPMENT WAS FORMED TO DETERMINE A DIRECTION ON POLITICAL AND CONSTITUTIONAL DEVELOPMENT IN THE WESTERN N.W.T.

PARALLEL TO THE WORK BEING DONE BY THE LEGISLATIVE ASSEMBLY, ABORIGINAL ORGANIZATIONS WERE ACTIVELY PURSUING POLITICAL SELF-DETERMINATION AT THE NEGOTIATING TABLE THROUGH THE ABORIGINAL CLAIMS PROCESS.

THE INUIT PUT FORTH A PROPOSAL FOR A NUNAVUT GOVERNMENT IN THE EASTERN ARCTIC BASED IN-PART ON POLITICAL SELF-DETERMINATION AND THE PROPOSAL OF A BOUNDARY ALONG THE TREE-LINE. THE POWERS OF A NUNAVUT GOVERNMENT WERE TO BE SIMILAR TO THOSE OF THE CURRENT GOVERNMENT OF THE NORTHWEST TERRITORIES. IN-PART, THE PROPOSAL OUTLINED A FEDERAL GOVERNMENT/NUNAVUT GOVERNMENT JOINT ROLE IN LAND AND RESOURCE USE, AS WELL AS THE DRAFTING OF A TERRITORIAL CHARTER OF LINGUISTICS AND CULTURAL RIGHTS.

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THE DENE AND METIS DISTRIBUTED A PUBLIC DISCUSSION PAPER FOR A DENENDEH GOVERNMENT IN THE WESTERN N.W.T. THE BOUNDARY WAS DEFINED AS, 'THE HOMELAND OF THE DENE AND METIS'. A PROVINCE-LIKE JURISDICTION WAS ALSO PROPOSED. IN-PART, THE PROPOSAL OUTLINED A DENENDEH SENATE, CHARTER OF FOUNDING PRINCIPLES, AND THAT 30% OF SEATS IN A NATIONAL ASSEMBLY BE HELD BY THE DENE, INCLUDING METIS. FURTHER, IT PROPOSED A DENE HERITAGE FUND, RESOURCE DEVELOPMENT DECISIONS BASED ON A 'CONSERVER SOCIETY' NEED, DENE RIGHTS TO ALLOW NEGOTIATION FOR CHANGES TO INSTITUTIONS GOVERNING THE DENE/METIS 'HOMELAND' AND THAT THE DENE GOVERNMENT BE BASED ON STYLE AND TRADITIONS OF THE DENE.

AS WELL, THE COMMITTEE FOR ORIGINAL PEOPLES' ENTITLEMENT (COPE) WAS PROMOTING THE WESTERN ARCTIC REGIONAL MUNICIPALITY (WARM) AS A RESULT OF THE AGREEMENT-IN-PRINCIPLE SIGNED IN 1978 BETWEEN COPE AND CANADA.

A DISCUSSION PAPER ON POLITICAL AND CONSTITUTIONAL DEVELOPMENT IN THE WESTERN N.W.T., ENTITLED, 'OUR LAND, OUR FUTURE', WAS ALSO PUBLISHED BY THE GOVERNMENT OF THE NORTHWEST TERRITORIES, IN 1981. IT OUTLINED THE PRINCIPLES FOR A PROCESS OF INTERNAL RESTRUCTURING AND THE DIVISION OF FEDERAL/TERRITORIAL POWERS.

WHEN THE FEDERAL GOVERNMENT MADE IT CLEAR THAT POLITICAL AND CONSTITUTIONAL DEVELOPMENT OF THE NORTH WOULD NOT BE INCLUDED AS PART OF LAND CLAIMS NEGOTIATIONS, AND WHEN THE LEGISLATIVE ASSEMBLY CAME TO REALIZE IT COULD NOT PROCEED UNILATERALLY, IT BECAME APPARENT TO BOTH NATIVE GROUPS AND THE LEGISLATIVE ASSEMBLY THAT A COORDINATED, INTEGRATED MECHANISM AND PROCESS FOR FURTHER POLITICAL AND CONSTITUTIONAL DEVELOPMENT WOULD HAVE TO BE CONSIDERED.

FURTHERMORE, IN FEBRUARY 1982 REPRESENTATIVES OF THE G.N.W.T, COPE, DENE NATION, METIS ASSOCIATION AND THE ITC HAD MET AND DECIDED TO FORM A CONSTITUTIONAL ALLIANCE WITH THE GOAL OF DEVELOPING AND PROMOTING, THROUGH PUBLIC CONSULTATION AND CONSENSUS, THE CONSTITUTIONAL UNDERPINNINGS OF TWO NEW TERRITORIES. THE PLEBISCITE, RECOMMENDED BY THE UNITY COMMITTEE, WAS HELD ON APRIL 14, 1982, WITH 56% VOTING IN FAVOUR OF DIVISION. THE LEGISLATIVE ASSEMBLY AT ITS' MAY 1982 SESSION VOTED UNANIMOUSLY TO ACCEPT THE RESULTS AND SUPPORT DIVISION IN-PRINCIPLE. THE ALLIANCE DECIDED THAT ITS OBJECTIVES COULD BEST BE ACHIEVED BY CREATING TWO CONSTITUTIONAL FORUMS. THE WESTERN CONSTITUTIONAL FORUM OR WCF WOULD BE COMPRISED OF THE DENE NATION, METIS ASSOCIATION OF THE N.W.T AND TWO MLA'S, WHILE THE NUNAVUT CONSTITUTIONAL FORUM OR

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NCF WOULD INCLUDE THE INUIT TAPIRISAT OF CANADA AND TWO MLA'S. ONE OF THE MLA'S ON EACH FORUM WAS OFFICIALLY DESIGNATED TO REPRESENT THE INTERESTS OF THE NON-NATIVE POPULATION, WHILE THE OTHER WAS TO REPRESENT THE LEGISLATIVE ASSEMBLY AT LARGE. IN THIS MANNER, ALL RESIDENTS OF THE NWT WERE GUARANTEED, REPRESENTATION.

THE ALLIANCE MEMBERS AGREED THAT THE COMMITTEE FOR ORIGINAL PEOPLES' ENTITLEMENT WOULD HAVE THE OPTION TO PARTICIPATE IN EITHER ONE OR BOTH OF THE FORUMS. FOR ITS PART, COPE WAS ACTIVELY INVOLVED IN THE CREATION OF THE WESTERN ARCTIC REGIONAL MUNICIPALITY (WARM) AND WANTED TO SEE THIS PROCESS FIRMLY UNDERWAY BEFORE THEY BECAME ACTIVELY INVOLVED IN THE FORUMS. THEY EVENTUALLY DECIDED TO PARTICIPATE WITHIN THE CONTEXT OF THE NCF.

SINCE THERE WERE TWO GOVERNMENTS TO ESTABLISH AND THEREFORE TWO SEPARATE PROPOSALS TO DEVELOP, THE ALLIANCE DECIDED TO DELEGATE THIS RESPONSIBILITY TO EACH FORUM. THE CONTENT OF THE WORK WOULD INCLUDE FORM, STYLE AND STRUCTURE OF EACH GOVERNMENT, THEIR POWERS AND JURISDICTIONS AND WOULD INVESTIGATE SPECIFIC MECHANISMS TO PROTECT THE ABORIGINAL RIGHTS ESTABLISHED IN ABORIGINAL CLAIMS SETTLEMENTS ON AN ON-GOING BASIS. THE PROCESS WOULD INVOLVE PUBLIC CONSULTATION, DEVELOPMENT OF PROPOSALS, PUBLIC RATIFICATION AND NEGOTIATION WITH THE FEDERAL GOVERNMENT. THE PRIMARY TASK RETAINED BY THE ALLIANCE IS TO SELECT THE LOCATION OF THE BOUNDARY FOR DIVISION.

THE RELATIONSHIP BETWEEN THE CONSTITUTIONAL ALLIANCE AND THE FORUMS, IS SIMPLY THAT THE JOINT MEMBERSHIP OF THE TWO FORUMS CONSTITUTE THE ALLIANCE. THE RELATIONSHIP BETWEEN THE FORUMS IS COOPERATIVE AND MUTUALLY SUPPORTIVE. HOWEVER, IN MOST RESPECTS THEIR ACTUAL MANDATES TO OPERATE ARE INDEPENDENT OF EACH OTHER. EACH FORUM WILL DEVELOP AND NEGOTIATE ITS RATIFIED CONSTITUTIONAL PACKAGE SEPARATELY WITH THE FEDERAL GOVERNMENT. THEIR TIMEFRAMES NEED NOT BE THE SAME. THE ONLY CONDITION IS THAT THE ALLIANCE MUST HAVE SETTLED THE QUESTION OF BOUNDARY BEFORE EITHER FORUM CAN RATIFY ITS PROPOSAL OR BEGIN NEGOTIATIONS WITH OTTAWA.

AS YOU MUST BE AWARE BY NOW, GOVERNMENT REFORM IS A VERY IMPORTANT ISSUE IN THE N.W.T. MAJOR CHANGES ARE REQUIRED BEFORE NATIVE AND NON-NATIVE NORTHERNERS CAN TAKE THEIR PLACE AS EQUALS WITH OTHER CANADIANS IN THE SOUTH. THE DENE/METIS HAVE SPECIAL NEEDS AND RIGHTS WHICH MUST BE ADDRESSED. THE INSTITUTIONS OF GOVERNMENT SHOULD REFLECT THEIR CULTURES, VALUES AND TRADITIONAL DECISION-MAKING

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PROCESS; MUST ENSURE THAT THEY PLAY A MEANINGFUL ROLE IN GOVERNING THEIR HOMELAND. IN THE PROCESS THE LEGITIMATE NEEDS OF NON-NATIVE PEOPLES MUST BE RECOGNIZED. AS COMPLEX AS THIS MIGHT APPEAR, I BELIEVE IT CAN BE DONE.

I BELIEVE THAT THE DENE AND METIS HAVE REASON TO BE OPTIMISTIC. IN SEPTEMBER 1982 THE SPECIAL COMMITTEE OF THE LEGISLATIVE ASSEMBLY ON CONSTITUTIONAL DEVELOPMENT MET IN YELLOWKNIFE WITH REPRESENTATIVES FROM THE DENE NATION, METIS ASSOCIATION OF THE N.W.T., COPE, MUNICIPAL REPRESENTATIVES, INTEREST GROUPS AND BAND COUNCILLORS PRIMARILY TO DISCUSS THE DENE/METIS DISCUSSION PAPER, "PUBLIC GOVERNMENT FOR THE PEOPLES OF THE NORTH." THIS MEETING OF SUCH DIVERSE INTERESTS PRODUCED THREE SIGNIFICANT RECOMMENDATIONS. FIRST, IT WAS AGREED THAT A MECHANISM TO PROTECT ABORIGINAL RIGHTS BE ESTABLISHED AND INCLUDED IN THE INSTITUTIONS OF GOVERNMENT, ONCE ABORIGINAL RIGHTS SETTLEMENTS ARE CONCLUDED.

SECOND, THAT THE RESIDENCY REQUIREMENT FOR PARTICIPATION IN GENERAL ELECTIONS BE EXTENDED BEYOND ONE YEAR SUBJECT TO LIMITS IMPOSED BY THE CANADIAN CONSTITUTION.

THIRD, THERE WAS UNANIMOUS AGREEMENT THAT SOME FORM OF GUARANTEED REPRESENTATION FOR ABORIGINAL PEOPLES SHOULD BE INCLUDED AT ALL LEVELS IN ANY NEW GOVERNMENT DEVELOPED IN THE WESTERN N.W.T. A THIRD CONFERENCE WILL BE CONVENED IN AUGUST THIS YEAR TO DISCUSS OTHER TOPICS AND ISSUES RELATED TO CONSTITUTIONAL DEVELOPMENT INCLUDING STYLE AND FORMS OF GOVERNMENT.

THERE IS NO MOVEMENT IN THE N.W.T. FOR EXCLUSIVE INDIAN GOVERNMENT OF THE TYPE THAT YOU ARE INVESTIGATING. BY THIS I MEAN, GOVERNMENT INSTITUTIONS SPECIFICALLY FOR INDIAN PEOPLE. THE DENE AND METIS HAVE, AT THIS POINT, DECIDED TO PURSUE THEIR GOALS FOR POLITICAL AND CONSTITUTIONAL REFORM WITHIN THE CONTEXT OF PUBLIC GOVERNMENT AND IN COOPERATION WITH THE NON-NATIVE RESIDENTS. IN THE N.W.T., NATIVE AND NON-NATIVE PEOPLE LIVE SIDE BY SIDE IN ALL COMMUNITIES WITH THE EXCEPTION OF ONE RESERVE AND GOVERNMENT REFORM MUST RECOGNIZE THIS REALITY.

INDIAN SELF-GOVERNMENT IN THE CONTEXT OF THE NORTHWEST TERRITORIES MEANS GUARANTEED REPRESENTATION OF ABORIGINAL PEOPLES WITHIN PUBLIC GOVERNMENT IN A MANNER THAT EFFECTIVELY ALLOWS THEM TO PURSUE THEIR INTERESTS. HOWEVER, I WOULD LIKE TO DIRECT YOUR ATTENTION TO A KEY ISSUE THAT STILL HAS TO BE ADDRESSED, THE REALIGNMENT OF POWERS AND JURISDICTIONS BETWEEN THE FEDERAL GOVERNMENT AND THE

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TERRITORIAL GOVERNMENT. THE CONCEPT OF INDIAN SELF-GOVERNMENT AS WE HAVE DEFINED IT IN THE N.W.T., OR PUBLIC GOVERNMENT IN GENERAL IS A RELATIVELY MEANINGLESS CONCEPT SO LONG AS OWNERSHIP AND CONTROL OF LANDS AS WELL AS FISCAL CONTROL RESTS EXCLUSIVELY WITH THE FEDERAL GOVERNMENT. OBVIOUSLY THE TASK OF CONSTITUTIONAL DEVELOPMENT IN THE N.W.T. MUST INCLUDE THE TRANSFER OF ADDITIONAL POWERS AND JURISDICTIONS ALONG WITH CHANGES IN THE STYLE AND STRUCTURE OF GOVERNMENT WHICH MORE ACCURATELY REFLECT THE NEEDS AND INTERESTS OF THE ABORIGINAL PEOPLES.

WE KNOW WE HAVE A DIFFICULT TASK AHEAD, BUT WITH GOODWILL AND UNDERSTANDING WE CAN SUCCEED.

MUSSI CHO!
THANK-YOU!